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4 LEWIS BRISBOIS BISGAARD & SMITH LLP
4 6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
5 TEL: 702.893.3383
6 FAX: 702.893.3789
6 Attorneys for Defendant
7 BLAKE ROBERT FUHRIMAN and
7 DP CURTIS TRUCKING
8

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11
12 ELIZABETH BRACY, CASE NO.:
13 Plaintiff,
14 vs.
15 BLAKE ROBERT FUHRIMAN;
16 individually; DP CURTIS TRUCKING,
16 INC., Utah Corporation; DOES I-X,
17 inclusive,
17 Defendants.
18

19 NOTICE OF REMOVAL OF ACTION (DIVERSITY)

20 COME NOW, Defendants BLAKE ROBERT FUHRIMAN and DP CURTIS
21 TRUCKING, INC. ("Defendants"), by and through their counsel, Josh Cole Aicklen, Esq.
22 and Stephen L. Titzer, Esq. of LEWIS BRISBOIS BISGAARD & SMITH LLP, and remove
23 the State Court action described below to Federal Court and in support state as follows:

24 1. On January 7, 2020, an action was commenced in the Eighth Judicial
25 District Court, Clark County, State of Nevada, entitled Bracy v. Fuhriman, et al., Case No.
26 A-20-808041-C ("State Court Action"). A copy of the Complaint; Affidavit of Service Re:
27 DP CURTIS TRUCKING, INC.; and Affidavit of Service Re: BLAKE ROBERT
28 FUHRIMAN; are attached hereto and marked as Exhibits A, B, and C.

1 2. On January 22, 2020, the Summons and Complaint were served on
 2 Defendant BLAKE ROBERT FUHRIMAN.

3 3. On January 22, 2020, the Summons and Complaint were served on
 4 Defendant DP CURTIS TRUCKING, INC.

5 4. On February 13, 2020, the case became removable based on service on
 6 the Defendants BLAKE ROBERT FUHRIMAN and DP CURTIS TRUCKING, INC., and
 7 the notice of the Defendants' residency in Utah at the time of the filing of the Complaint,
 8 the Plaintiff's medical records, and the Plaintiff's demand seeking the recovery of
 9 damages in excess of \$75,000.00, pursuant to 28 U.S.C. §1446(b)(3).

10 5. This is a civil action of which this Court has original jurisdiction under 28
 11 U.S.C. §1332, as there is complete diversity between the parties and I am informed and
 12 believe that more than \$75,000.00 is in controversy, exclusive of interest and costs.
 13 Plaintiff alleges that as a result of the subject event, she sustained severe and permanent
 14 personal injury and suffered damages in the form of general damages, medical bills,
 15 emotional distress, loss of enjoyment of life, costs of suit, property damage, attorney fees
 16 and interest in excess of \$75,000.00, as per the representations made by her attorneys
 17 by serving correspondence and payment demand. Accordingly, pursuant to 28 U.S.C.
 18 §1441, Defendants are entitled to remove this action to this court.

19 6. This case arises out of a claim for a negligence claim for personal injury,
 20 and I am informed and believe that Plaintiff seeks to recover in excess of \$75,000.00,
 21 exclusive of interest and costs, based on the alleged past medical specials and demand
 22 made by Plaintiff well in excess of \$75,000.00.

23 7. Plaintiff ELIZABETH BRACY is a citizen of Nevada.

24 8. Defendant BLAKE ROBERT FUHRIMAN is a citizen of Utah.

25 9. Defendant DP CURTIS TRUCKING, INC. is and was at the time this action
 26 commenced a foreign corporation with its headquarters in Utah and its principle place of
 27 business in Utah.

28

1 10. This is a civil action of which this Court has original jurisdiction under 28
2 U.S.C. § 1332, and is one which may be removed to this Court by Defendants pursuant to
3 the provisions of 28 U.S.C. § 1441 (b).

4 11. The action in the state court was not commenced more than one year
5 before the date of this removal.

6 12. A true and correct copy of this Notice of Removal will be filed with the Clerk
7 for the Eighth Judicial District Court, Clark County, Nevada.

8 13. No Defendant objects to the removal of this action.

9 14. Based on the foregoing, Defendants remove this action, which is currently
10 pending in the Eighth Judicial District Court, Clark County, Nevada as Case No. A-20-
11 808041-C, to Federal Court.

12 DATED this 5 day of March, 2020.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Josh Cole Aicklen
JOSH COLE AICKLEN
Nevada Bar No. 007254
STEPHEN L. TITZER
Nevada Bar No. 008289
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant
BLAKE ROBERT FUHRIMAN and
DP CURTIS TRUCKING

CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard
3 & Smith LLP and that on this 5 day of March, 2020, I served a true copy of the
4 **NOTICE OF REMOVAL OF ACTION (DIVERSITY)** via electronic service by the U.S.
5 District Court CM/ECF system to the parties with an email-address on record, as follows:

6 Joshua U. Aldabbagh, Esq.
7 BOLEY & ALDABBAGH, LTD.
1900 E. Bonanza Road
8 Las Vegas, Nevada 89101
Telephone: 702-435-3333
9 Fax: 702-475-6567
10 joshua@bandafirm.com
11 Attorneys for Plaintiff
FL 17ABFH BRACY

By /s/ Adrina Harris
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

INDEX OF EXHIBITS

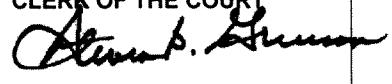
- A. Complaint filed January 7, 2020
- B. Affidavit of Service Re: DP Curtis Trucking, Inc. filed February 11, 2020
- C. Affidavit of Service Re: Blake Robert Fuhriman filed February 11, 2020

EXHIBIT A

Complaint filed January 7, 2020

EXHIBIT A

1 **COM**
2 JOSHUA U. ALDABBAGH, ESQ.
3 Nevada Bar No. 11896
4 **BOLEY & ALDABBAGH, LTD.**
5 1900 E. Bonanza Rd.
6 Las Vegas, Nevada, 89101
7 Phone: (702) 435-3333
8 Facsimile: (702) 475-6567
9 Email: joshua@bandafirm.com
10 *Attorneys for Plaintiff*

11 Electronically Filed
12 1/7/2020 2:24 PM
13 Steven D. Grierson
14 CLERK OF THE COURT
15 

16 CASE NO: A-20-808041-C
17 Department 23

18 **DISTRICT COURT**

19 **CLARK COUNTY NEVADA**

20
21 ELIZABETH BRACY,
22 Plaintiff,
23 v.
24 BLAKE ROBERT FUHRIMAN,
25 individually; DP CURTIS TRUCKING,
26 INC., a Utah Corporation; DOES I -X, and
27 DOE ORGANIZATIONS XI-XX, inclusive,
28 Defendants.

Case No. :
Dept. No. :

COMPLAINT

**EXEMPT FROM
ARBITRATION**

19 COMES NOW, Plaintiff, ELIZABETH BRACY, (hereinafter "BRACY") by and through
20 her attorney, JOSHUA U. ALDABBAGH, ESQ., of BOLEY & ALDABBAGH, LTD., for her cause
21 of action against Defendants, hereby complains, avers, and alleges as follows:
22

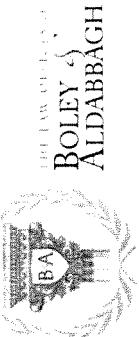
23 1. That at all times mentioned herein, Plaintiff, ELIZABETH BRACY (hereinafter
24 "Plaintiff"), is and was a resident of Clark County, State of Nevada.
25 2. That upon information and belief, at all times relevant hereto, Defendant, BLAKE
26 ROBERT FUHRIMAN (hereinafter "FUHRIMAN") is and was a resident of Monroe, Utah.
27
28

1 3. Plaintiff is informed, believes and thereon alleges that Defendant, DP CURTIS
2 TRUCKING, INC. (herein after "DP CURTIS"), was and is a Utah Corporation authorized to, and
3 doing business in, Clark County, Nevada.

4 4. The true names and capacities, whether individual, corporate, associate, co-
5 partnership, or otherwise of Defendant DOES I-X are unknown to Plaintiff who therefore alleges
6 that each Defendant designated DOE is responsible in some manner for the offense and happenings
7 referred to in this action and proximately caused the damages to Plaintiff as herein alleged. The legal
8 responsibility of said DOES I-X, arises out of, but is not limited to, their status as owners, as is their
9 maintenance and/or entrustment of the vehicle which the defendant was operating at the time of the
10 accident referred to in this Complaint, and/or their agency, master/servant or joint venturer
11 relationship with said Defendants. Plaintiff will request leave of Court to amend this Complaint to
12 insert the true names and capacities of said Defendants when the same have been ascertained, to join
13 such Defendants in this action and to assert the appropriate allegations.

14 5. The true names and capacities, whether individual, corporate, associate, co-
15 partnership, or otherwise of Defendant DOE ORGANIZATIONS XI-XX are unknown to Plaintiff
16 who therefore alleges that each Defendant designated DOE ORGANIZATION is responsible in
17 some manner for the offense and happenings referred to in this action and proximately caused the
18 damages to Plaintiff as herein alleged. The legal responsibility of said DOE ORGANIZATIONS XI-
19 XX, arises out of, but is not limited to, their status as owners, as is their maintenance and/or
20 entrustment of the vehicle which the defendant was operating at the time of the accident referred to
21 in this Complaint, and/or their agency, master/servant or joint venturer relationship with said
22 Defendants. Plaintiff will request leave of Court to amend this Complaint to insert the true names
23 and capacities of said Defendants when the same have been ascertained, to join such Defendants in
24 this action and to assert the appropriate allegations.

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1 6. On or about August 27, 2018, Plaintiff was the operator of a 1996 Lincoln Town Car
2 traveling Northbound on Martin Luther King approaching the intersection of Trade Ave.
3

4 7. At said time and place, Defendant FUHRIMAN, while in the course and scope of his
5 employment with Defendant DP CURTIS, was the operator of a large 2015 Kenworth T680 Tractor
6 Trailer, License Plate A019422, owned and/or leased by Defendant DP CURTIS was traveling
7 westbound, exiting a private driveway on Trade Ave.

8 8. At the said time and place, Defendant FUHRIMAN failed to notice Plaintiff traveling
9 northbound entering the intersection with Trade Ave, causing the left side of the vehicle to strike the
10 front end of the Plaintiff's vehicle.

11 9. At the time of the collision described herein, Defendant, FUHRIMAN, drove his
12 vehicle in violation of the known rules of safety and negligently failed to pay proper attention while
13 driving, failed to keep proper lookout, failed to reduce speed, failed to yield the right of way to
14 Plaintiff and was otherwise acting carelessly, negligently, and recklessly in causing the collision
15 described herein.

16 10. Defendant FUHRIMAN's acts and omissions at the time of the collision herein
17 complained of and immediately prior thereto constitute negligence per se in violation of NRS
18 484B.257(1)(2) by failing to yield to the right of way of traffic.

19 11. Defendant FUHRIMAN's acts and omissions at the time of the collision herein
20 complained of an immediately prior thereto constitute negligence and carelessness.

21 12. Defendant's negligence was the proximate cause of the Plaintiff's damages as herein
22 alleged.

23 13. At the time of the accident described above, Defendant FUHRIMAN was an agent
24 and servant of Defendant DP CURTIS and was in the course and scope of his employment for
25 Defendant DP CURTIS.
26

27 14. Plaintiff, BOLEY, ALDABBAGH, PLLC, is retained by Plaintiff to represent Plaintiff in
28 this matter and Plaintiff has agreed to pay Plaintiff, BOLEY, ALDABBAGH, PLLC, a fee of \$1,000.00 per hour
for Plaintiff's attorney's time in this matter. Plaintiff, BOLEY, ALDABBAGH, PLLC, has agreed to pay Plaintiff's
attorney's expenses in this matter.

1 14. All liability of Defendant FURHIMAN is imputed to Defendant DP CURTIS under
2 the doctrine of Respondeat Superior.

3 15. As a result of the employment relationship existing between Defendant FUHRIMAN
4 and Defendant DP CURTIS at the time of the collision, Defendant DP CURTIS is vicariously liable
5 for the negligent acts of Defendant FUHRIMAN pursuant to NRS 41.130 and NRS 41.031

6 16. As a direct and proximate result of Defendants, and each of them, negligence and
7 carelessness and/or recklessness, Plaintiff sustained severe bodily trauma, all or some of which may
8 be permanent and disabling in nature, all to her general and compensatory damage, in an amount in
9 excess of \$15,000.00. In addition, Plaintiff was required to incur expenses for medical care,
10 treatment and expenses incidental thereto, all to her detriment, in an amount unknown at this time,
11 and may be required in the future to incur expenses for medical care and treatment, including
12 surgery, physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general
13 medical care in an amount not yet ascertained, and in this regard Plaintiff prays leave of the Court to
14 insert all said damages herein when the same have been fully ascertained or proven at the time of
15 trial herein.

16 17. That, as a direct and proximate result of Defendant's negligence and carelessness
17 and/or recklessness, Plaintiff has endured pain and suffering, worry, anxiety, emotional distress, loss
18 of enjoyment of life, and will continue to endure said losses for an indefinite period of time in the
19 future, in an amount in excess of \$15,000.00, and in this regard Plaintiff's pray leave of the Court to
20 insert all said damages herein when the same have been fully ascertained or proven at the time of
21 trial herein.

22 18. That as a further direct and proximate result of the aforesaid negligence of Defendant,
23 Plaintiff has incurred additional damages, such as lost income, loss of earning capacity, and other
24 incidental damages in a sum to be determined at the time of trial.

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BOLEY &
ALDABBAGH

1 19. That it has been necessary for Plaintiff to retain the services of counsel to represent
2 her interests in the above-entitled matter, and that she should be awarded reasonable attorney's fees
3 and costs.

4 **WHEREFORE**, Plaintiff requests from this Honorable Court judgment against the
5 Defendants, and each of them, as follows:

6 1) General and compensatory damages in an amount in excess of \$15,000.00;
7 2) Damages for medical care and treatment and incidental expenses incurred and to be
8 incurred in excess of \$15,000.00, the exact amount of which will be determined at trial;
9 3) Damages for lost earnings and earning capacity;
10 4) For costs and fees of this action, including reasonable attorney's fees; and
11 5) For such other and further relief as is just and proper.

12
13
14
15 DATED this 7th day of January 2020.

16
17 **BOLEY & ALDABBAGH LTD.**

18 By /s/ Joshua Aldabbagh /
19 JOSHUA U. ALDABBAGH, ESQ.
20 1900 E. Bonanza Road
21 Las Vegas, Nevada 89101
22 Telephone: (702) 435-3333
 Facsimile: (702) 475-6567
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5 (a) and EDCR 7.26(a), I hereby certify that I am an employee of BOLEY & ALDABBAGH, LTD., and that on this 7th day of January 2020, a true and correct copy of the foregoing PLAINTIFF'S COMPLAINT was served upon the following:

- Via First Class U.S Mail, postage prepaid
- Via Facsimile
- Via Hand-Delivery
- Via Electronic Service pursuant to Rule 9 of the NEFCR (Administrative Order 14-2)

**Blake Robert FUHRIMAN
233 E 400 N
Monroe, UT 84754**

**DP Curtis Trucking Inc.
1450 S SR 118
Richfield, UT 84701**

/s/ Jenell Schulte /
An employee of
BOLEY & ALDABBAGH, LTD.

EXHIBIT B

**Affidavit of Service Re: DP Curtis
Trucking, Inc. filed February 11, 2020**

EXHIBIT B

Electronically Filed
2/11/2020 2:48 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 BOLEY AND ALDABBAGH, LTD.
1900 E. BONANZA RD.
2 LAS VEGAS, NEVADA 89101
702-435-3333
3 Attorneys for Plaintiff

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 ELIZABETH BRACY,

Case No.: A-20-808041-C

7 Plaintiff,

Dept. No.: 23

8 vs.

9 BLAKE ROBERT FUHRIMAN, individually,
et al.,

10 Defendant.

11 **AFFIDAVIT OF SERVICE RE: DP CURTIS TRUCKING, INC., A UTAH CORPORATION**

12 State of UTAH
13 County of SEVIER

14 *Troy Morgan*

15 ~~Nathan Curtis~~, first being duly sworn deposes and says: that at all times herein, affiant was and is
a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in
which this affidavit is made.

16 That affiant received one copy of the SUMMONS AND COMPLAINT.

17 That affiant served the defendant DP Curtis Trucking, Inc., a Utah Corporation, by serving Dent
18 P. Curtis, Registered Agent, at 1450 S SR 118, Richfield, UT 84701 on 01/22/2020 at 10:10 am by
19 leaving documents with Stephanie Proctor, Receptionist, pursuant to N.R.S. 14.020.

20 Service was made outside the State of Nevada, not subject to NRS 14.025.

21
22 Subscribed and Sworn to me this
23 4th day of FEBRUARY 2020.

24 *Sharie Christensen*
25 Notary Public

Troy Morgan
NATHAN CURTIS *Troy Morgan*
SEVIER COUNTY SHERIFF'S OFFICE
835 E 300 N SUITE 200
RICHFIELD, UTAH 84701
435-896-2600

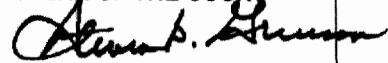


EXHIBIT C

**Affidavit of Service Re: Blake Robert
Fuhriman filed February 11, 2020**

EXHIBIT C

Electronically Filed
2/11/2020 2:48 PM
Steven D. Grierson
CLERK OF THE COURT



1 BOLEY AND ALDABBAGH, LTD.
1900 E. BONANZA RD.
2 LAS VEGAS, NEVADA 89101
702-435-3333
3 Attorneys for Plaintiff

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

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Case No.: A-20-808041-C

7 Plaintiff,

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8 vs.

9 BLAKE ROBERT FUHRIMAN, individually,
et al.,

10 Defendant.

11 **AFFIDAVIT OF SERVICE RE: BLAKE ROBERT FUHRIMAN, INDIVIDUALLY**

12 State of UTAH

13 County of SEVIER

14 *Troy Morgan*

15 Nathan Curtis, first being duly sworn deposes and says: that at all times herein, affiant was and is
a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in
which this affidavit is made.

16 That affiant received one copy of the SUMMONS AND COMPLAINT.

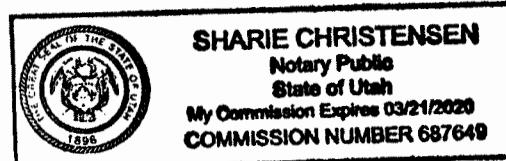
17 That affiant served the defendant Blake Robert Fuhriman, individually, at 233 E 400 N, Monroe,
Utah 84754 on 01/22/2020 at 1:40 pm by leaving documents with Chelsea Fuhriman, wife/co-resident.

18 Service was made outside the State of Nevada, not subject to NRS 14.025.

19
20
21 Subscribed and Sworn to me this
22 4th day of FEBRUARY 2020.

Nathan Curtis Troy Morgan
NATHAN CURTIS *Troy Morgan*
SEVIER COUNTY SHERIFF'S OFFICE
835 E 300 N SUITE 200
RICHFIELD, UTAH 84701
435-896-2600

23
24 *Sharie Christensen*
25 Notary Public



26
27
28